IN THE HON'BLE HIGH COURT OF JUDICATURE AT BILASPUR

Civil Revision No. 207 of 2004

Applicant : Omprakash Goenka,
aged about 53 years,
Son of Shri Laxminarayan Goenka
Resident of House No.
Gudiyari, Raipur,
Tahsil & District Raipur (C.G.)
(Original Defendant No. 5)

Versus

Non-Applicants :

1. Nemichand Bhansali,
aged about 71 years,
Son of Late Shri Amolak
Chand Bhansali,
Money Lender,
R/o Edward Road, Raipur
Tahsil & District Raipur
(Original plaintiff)

2. Anand Re-Rolling Mill,
Ring Road No. 2, Son Dongri
Urla, Raipur (C.G.)
(Original defendant No. 1)

3. M/s Vikas Foundry
Ring Road No. 2, Son Dongri
Urla, Raipur (C.G.)
(Original defendant No. 2)

4. M/s R. G. Flour Mill
G. E. Road, Durg (C.G.)
(Original defendant No. 3)

5. Santosh Rungta,
S/o Ghanshyamdas Rungta,
G.E. Road, Durg (C.G.)
(Original defendant No. 4)

P.R. No. 2713/04
Presented by Shri Nitesh Jain
dated 21.12.04

6. Smt. Vijaya Devi Goenka
W/o Shri Omprakash Goenka
R/o Gudiyari, Raipur (C.G.)
(Original defendant No. 6)

7. Vikash Goenka,
S/o Shri Omprakash Goenka
R/o Gudiyari, Raipur (C.G.)
(Original defendant No. 7)

8. Smt. Puja Goenka,
W/o Pawan Bhoot
S/o Suresh Proprietor of
M/s Narendra Lavex,
Industrial Area, Amravati
R/o Tutenagar, Amravati, M.S
(Original defendant No. 8)

9. Smt. Tripti Rungta,
W/o Sourabh Rungta,
G.E. Road, Durg (C.G.)
(Original defendant No. 9)

10. Sourabh Rungta,
S/o Shri Bajranglal Rungta
R/o G.E. Road, Durg (C.G.)
(Original defendant No. 10)

CIVIL REVISION APPLICATION UNDER SECTION 115 OF THE CODE OF CIVIL PROCEDURE

...ieved and dissat-

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(56)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक C.R. No. 207/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	17-01-2005. Dr. Shailesh Ahuja and Smt. Anju Ahuja, counsel for the applicant. Heard. This revision petition has been filed against the orders dated 11-08-2004 and 16-08-2004 passed by XIVth Additional District Judge, Raipur in Civil Suit No.30-B/2004. Non-applicant No.1 herein filed a Civil Suit against the applicant herein and non-applicants No.2 to 10. The applicant herein is defendant No.5 in the said suit. Perusal of the order dated 11-08-2004 shows that in the Civil Suit an application Under Section 151 of C.P.C. has been filed on behalf of defendant No.5/applicant. In the said application it was stated that defendant Nos. 1 and 2 are different industries and the owners are also different. Defendant Nos. 6 and 7 are the wife and son, respectively, of defendant No.5/applicant. As defendant No.8 was out of Raipur, therefore, on his behalf vakalatnama has not been filed. It was stated in the said application that time may be granted to file vakalatnama and addresses. Perusal of the order dated 16-08-2004 shows that counsel for the defendants states that he has written letters to defendants No.3,4,8 and 10 but they have not responded and he has not received any instructions. On this statement made by counsel for the defendants, the Court has recorded the statement and thereafter names of the parties were	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक C.R. No. 207/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

called. As none appeared on behalf of defendants No.3,4,8 and 10, the Court proceeded ex parte against them.

So far as defendant No.5/applicant is concerned, the orders dated 11-08-2004 and 16-08-2004 are not prejudicial but these orders have been passed to facilitate the party and the counsel and time has been given to the defendants. There is no illegality nor any error of jurisdiction warranting interference.

Accordingly, the revision petition is dismissed.

Sd/-
Ag. Chief Justice